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| <b>TO:</b><br><b>Mail Stop 8</b><br><b>Director of the U.S. Patent and Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>REPORT ON THE</b><br><b>FILING OR DETERMINATION OF AN</b><br><b>ACTION REGARDING A PATENT OR</b><br><b>TRADEMARK</b> |
|---|---|

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following ☐ Patents or ☒ Trademarks:

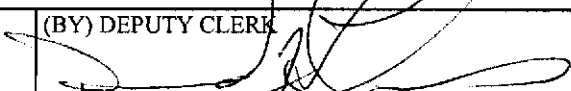
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| DOCKET NO.<br>11cv506 (JGK)     | DATE FILED<br>01/25/2011       | U.S. DISTRICT COURT<br>Southern District of New York |
| PLAINTIFF<br>SCHAEFFER, et al., |                                | DEFENDANT<br>SENARIO, LLC                            |
| PATENT OR<br>TRADEMARK NO.      | DATE OF PATENT<br>OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK                        |
| 1 See Attached List             |                                | See Attached List                                    |
| 2 3, 007, 671                   |                                |  |
| 3                               |                                |  |
| 4                               |                                |  |
| 5                               |                                |  |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

|                            |   |
|----------------------------|---|
| DATE INCLUDED              | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>OR TRADEMARK  |
| 1                          |   |
| 2                          |   |
| 3                          |   |
| 4                          |   |
| 5                          |   |

In the above—entitled case, the following decision has been rendered or judgement issued:

|  |
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| DECISION/JUDGEMENT<br>Attached: COPY OF NOTICE OF DISMISSAL. |
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|                       |   |                    |
|-----------------------|---|--------------------|
| CLERK<br>Ruby Krajick | (BY) DEPUTY CLERK<br> | DATE<br>03/17/2011 |
|-----------------------|---|--------------------|

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

action figure, since long prior to the acts of Defendant complained of herein, the name and trademark ALPHA 7 has come to represent substantial and highly valuable goodwill belonging exclusively to Plaintiffs.

20. Plaintiffs' ALPHA 7 trademark has for many years been the subject of a registration on the Principal Register in the United States Trademark Office, including the following registration:

ALPHA 7 Reg. No. 3007671 for toy action figures

21. Plaintiffs' foregoing ALPHA 7 registration trademark is valid, subsisting, unrevoked and uncanceled and Registration No. 3007671 is now incontestable under the provisions of 15 U.S.C. §1065.

**Defendant's Use of the Trademark ALPHA 7**

22. Upon information and belief Defendant adopted and used the identical ALPHA 7 mark on toy robot figures without conducting a trademark availability and/or clearance search of existing similar trademarks

23. Without Plaintiffs' permission or consent, Defendant has manufactured, promoted, marketed, distributed and offered

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GARY SCHAEFFER AND MEL BIRNKRANT, :  
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:   
Plaintiffs, :   
:   
vs. : Civil Action No. 11civ0506(JGK)  
:   
: VOLUNTARY DISMISSAL  
SENARIO, LLC, :   
:   
Defendants. :   
:   
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PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 41(a)(i)(A), Plaintiffs Gary Schaeffer and Mel Birnkrant through their undersigned counsel hereby dismiss with prejudice all claims they have asserted in the action against Defendant Senario LLC.

INGBER & GELBER, LLP

S/MARK J. INGBER

By: Mark J. Ingber, Esq. (MI 9098)  
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DATED: March 16, 2011  
Millburn, New Jersey